

## REMARKS

### Section 103 rejection of claims 1, and 7-10

In rejecting claim 1, the Examiner has identified *Swartz*<sup>1</sup> col. 10, lines 10-19 as disclosing the claim limitation:

to provide, to said mobile processing system, data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal

The cited language teaches a system that detects entry of a customer into a zone near certain merchandise (dog food in this example). If the system determines that the customer has previously bought dog food, the system sends an advertising message to the customer's handheld terminal 115.

Essentially, what the *Swartz* system does is send an advertisement in response to information about the customer's previous buying habits. The Examiner appears to suggest that because the customer has bought dog food in the past, he has somehow *requested* that advertising be sent to his handheld terminal 115.

In fact, the customer's experience is similar to that of anyone who has bought a mail order product from a catalog, and who thereafter receives catalogs for an extended period thereafter. It is hardly the case that buying merchandise amounts to a *request* for a lifetime supply of junk mail.

There is no indication that the customer in *Swartz* has ever *requested* what amounts to unsolicited advertising. In fact, the customer may have had no idea that purchasing a can of dog food would condemn him to receiving unsolicited advertising on his handheld terminal 115.

*Swartz* lacks any disclose the foregoing limitation of claim 1. *Watson*<sup>2</sup> does nothing to remedy this deficiency in the teaching of *Swartz*. Accordingly, the proposed combination of *Swartz* and *Watson* fails to teach each limitation of claim 1.

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<sup>1</sup> *Swartz*, U.S. Patent No. 6,937,998.

Claims 7-9 include the limitations of claim 1 and are patentable for at least the same reason.

### **Section 103 rejection of claims 11-18**

The rejection of claims 11-18 relies on the combined disclosures of *Schwartz*<sup>3</sup>, *Watson* and *Swartz*.

As discussed in connection with claim 1, neither *Watson* nor *Swartz* teaches the limitation of a server configured

to provide, to said mobile processing system, data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal

*Schwartz* likewise fails to disclose this limitation. Accordingly, the proposed combination of *Watson*, *Schwartz*, and *Swartz* fails to teach the subject matter of claims 11-18.

### **Section 103 rejection of claims 2 and 6**

The Examiner draws attention to a passage that mentions the word “elevator”<sup>4</sup> as disclosing claim 2’s limitation of a local server that performs

“a function on the basis of the identity of said mobile processing-system”

with the function being that of

“controlling an elevator in said building.”

However, the mere use of the word “elevator” in a reference does not mean that the reference discloses the above limitation. The cited passage in fact reads as follows:

“This invention also contemplates that one of the base stations located in a common area, for example at the main entrance of the mall, or at an elevator or escalator on each floor of the mall, be used for general information gathering purposes. For example, the terminal 115 in FIG. 10 displays on its screen a series of icons, such as the ‘clothing’ icon 104 and ‘resturant’ icon 106. These icons, as well as others, are

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<sup>2</sup> *Watson*, GB 2 340 336.

<sup>3</sup> *Schwartz*, U.S. Patent No. 6,473,609.

<sup>4</sup> *Swartz*, col. 9, lines 38-42.

displayed in response to signals received between the terminal 115 and the common base station.”

The foregoing text can be viewed as disclosing an “information portal” (i.e. a base station 12, 13, 14) located near an elevator. This information portal enables general information to be transmitted to the “mobile processing device” (i.e., the handheld terminal 115) There is no discussion whatsoever of a local server controlling the elevator.

The secondary reference, *Watson*, does nothing to remedy this deficiency in the disclosure of *Swartz*. Therefore the proposed combination of *Watson* and *Swartz* likewise fails to disclose the limitations of claim 2.

Claim 6 includes the limitations of claim 2 and is allowable for at least the same reasons.

#### **Section 102(e) rejection of claim 20**

The Examiner rejects claim 20 for reasons similar to those discussed in connection with claim 1.

Claim 20 recites the limitation of

causing data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal to be provided to said mobile processing system, in response to entry of said mobile processing system into said information portal.

As discussed above in connection with claim 1, *Swartz* discloses causing data to be transmitted to the mobile processing system. However, this data is not “previously requested for said mobile processing system.” This is simply unsolicited data.

#### **Section 103 rejection of claim 19**

Claim 19 recites the limitation of

“a server configured to provide, to said mobile processing system, in response to entry of said mobile processing system into an information portal, data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal”

The Examiner draws attention to *Schwartz* at col. 11, lines 4-33 as disclosing the above claim limitation. The cited text describes a network server 604 that provides access to information on the internet. It offers, as an example, a server called “www.abcnews.com” that provides hypermedia information that can ultimately be accessed by users.

There is no indication, however, that a user plays any role in *causing* this network server 604 to collect selected information. A network server 604, such as “www.abcnews.com” presumably collects information. But it is not clear from *Schwartz* that it collects information because some user *caused* it to do so. As best understood, a network server 604 collects information in response to judgment of an editorial staff, and not in response to the user's initiative. To the extent a network server 604 collects information, it appears to do so regardless of what the user wishes.

Claims 15-18 all depend on claim 14 and include the limitations thereof. Accordingly, those claims are allowable for at least the reasons set forth above.

### **Section 103 rejection of claim 17**

Claim 17 includes the additional limitation that the fulfillment server include a user-interface for enabling a user to cause the fulfillment server to detect an occurrence of a condition.

The Examiner draws attention to col. 11, lines 4-33 as disclosing this limitation. However, the cited text does not indicate anything that could reasonably correspond to a condition whose occurrence is to be detected.

Applicant draws attention to Rule 1.104(c)(2) which requires that “[w]hen a reference is complex ...the particular part relied on must be designated as nearly as practicable.” Applicant submits that the omission in the present office action of any indication of a condition whose occurrence is to be detected means that the office action is not complete as required by Rule 1.104. Accordingly, Applicant requests that any subsequent office action be made non-final.

As discussed above in connection with claim 1 and 20, *Swartz* discloses transmitting unsolicited advertising in response to entry of a mobile processing system. Such unsolicited does not amount to “data previously requested for said mobile processing system.”

The Examiner introduces *Schwartz* to provide the additional limitation of

“a server system having a link to a global computer network”

As motivation for combining *Swartz* with *Swartz* and *Watson*, the Examiner suggests that this would provide the mobile processing system with wireless access to the global computer network.

The foregoing statement of intended result does not amount to a motivation to combine two references. There is no indication that providing the handheld terminals **115** in *Swartz* with internet access would even be desirable.

In particular, *Swartz* discloses a handheld terminal **115** that delivers unsolicited advertising to shoppers as they navigate through a mall, or seating instructions to passengers boarding an airplane (see FIG.11). It is unclear why one would distract the shopper with web pages when the purpose of the device is to focus the shopper's attention on purchasing products. It is also unclear why one would distract a boarding passenger while he is boarding an airplane, since doing so would slow down the boarding process and introduce delays.

### **Section 103 rejection of claims 11-18**

The Examiner suggests that the claimed “fulfillment server” is met by network server **604** shown in *Swartz* FIG. 6. As motivation to combine the network server with the system disclosed by *Swartz*, the Examiner states that to do so would have been obvious “in order to applicable to navigation of Internet web pages by two way interactive communication mobile devices.”

This does not amount to a motivation to combine two references. It merely states an intended result. There is no indication that providing the handheld terminals 115 in *Swartz* with internet access would even be desirable.

In particular, *Swartz* discloses a handheld terminal 115 for delivering unsolicited advertising to shoppers as they navigate through a mall, or seating instructions to passengers boarding an airplane (see FIG.11). It is unclear why one would provide the shopper with the distractions of browsing web pages when the purpose of the device is to focus the shopper's attention on purchasing products. It is also unclear why one would distract a boarding passenger while he is boarding an airplane, since doing so would slow down the boarding process and introduce delays.

Claims 12-18 all include the limitations of claim 11 and are allowable for at least the reasons set forth above.

#### **Section 103 rejection of claim 12**

Claim 12 recites the additional limitation that the *local server* include "a cache for temporary accumulation of information from said fulfillment server to be relayed to said mobile processing system."

The Examiner suggests that this limitation on the local server is disclosed by *Swartz* at col. 17, lines 3-15.

But according to the Examiner, the local server is disclosed in *Swartz*, not in *Schwartz*. *Schwartz* is cited only for its alleged teaching of a *fulfillment* server. It is difficult to see how *Schwartz* can disclose anything about the local server when it lacks disclosure of any structure corresponding to the claimed local server.

#### **Section 103 rejection of claims 14-18**

Claim 14 recites the limitation of a fulfillment server that includes a user-interface for enabling a user to *cause* it (i.e. the fulfillment server) to collect selected information.

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**Summary**

Now pending in this application are claims 1-20, of which claims 1, 2, 19, and 20 are independent. No fees are believed to be due in connection with the filing of this response. However, to the extent fees are due, or if a refund is forthcoming, please adjust our deposit account 06-1050 referencing attorney docket number "09651-014001."

Respectfully submitted,

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